

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**H. D. SMITH, LLC'S MOTION
TO BE EXCUSED FROM JUNE 22, 2022 STATUS CONFERENCE**

H. D. Smith, LLC ("H. D. Smith"), by its counsel, respectfully moves the Court for an order excusing it from attending the June 22, 2022 status conference with the "non-major" Distributor and Manufacturer Defendant Families, and from submitting a status report in advance of the hearing. In support of its motion, H. D. Smith states as follows:

1. On April 21, 2022, the Court entered an order setting a status conference on June 22, 2022 with "the ten Distributor and Manufacturer Defendant Families most frequently named in MDL cases" other than the "major" distributor and manufacturer defendants detailed in the Court's order. Dkt. 4380. The Court further ordered each Defendant Family attending the status conference to submit a status report by June 20, 2022. *Id.*

2. One of the Distributor Defendant Families identified in the Court's order is H. D. Smith, LLC, as well as related and/or predecessor entities.

3. H. D. Smith was acquired by AmerisourceBergen effective January 1, 2018, was expressly identified as a "Released Entity" in Exhibit J of the Distributor Settlement Agreement, and has been released by the various states and political subdivisions participating in that global settlement and similar "opt-in" settlements, which now include the District of Columbia and every state, commonwealth, and territory except Alabama, West Virginia, and Oklahoma.

4. H. D. Smith was also released pursuant to a settlement with the Cherokee Nation and is a “Released Entity” in a separate agreement to settle the claims of the remaining federally recognized Native American tribes.

5. Additionally, various predecessor/affiliated entities of H. D. Smith, LLC (H. D. Smith Holding Company, H. D. Smith Holdings, LLC, and H. D. Smith Wholesale Drug Co.), as well as two former subsidiaries of H. D. Smith, LLC (Valley Wholesale Drug Co. and Smith Medical Partners, LLC), are also identified as Released Entities in Exhibit J of the Distributor Settlement Agreement.

6. H. D. Smith and these related entities have been released and have been dismissed from numerous MDL cases pursuant to the Master Stipulation and Order, the Second Master Stipulation and Order, and the Third Master Stipulation and Order related to the Distributor Settlement Agreement. *See* Dkt. 4307, Dkt. 4339, and Dkt. 4381; *see also* Exhibit C to each of the master stipulations and proposed orders related to those orders (listing the Released Entities set forth in Exhibit J of the Distributor Settlement Agreement).

7. In other words, like “[t]he major Distributor Defendants (*i.e.*, the ‘Big 3’) [that] have reached a global settlement” referenced in the April 21 order setting June 22 status conference (*see* Dkt. 4380), H. D. Smith and its related entities have been released pursuant to the Distributor Settlement Agreement and are being dismissed from all of the related MDL cases in which they have been named as defendants.

8. Accordingly, H. D. Smith respectfully requests that the Court enter an order excusing it from attending the June 22, 2022 status conference and from submitting a joint status report on June 20, 2022.

Dated: May 16, 2022

Respectfully submitted,

/s/ William E. Padgett

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on May 16, 2022.

/s/ William E. Padgett

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